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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,326	09/664,326 09/18/2000		Paul Habermann	02481.1693	4393
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FINNEGA	N, HENI	DERSON, FARA	EXAMINER		
DUNNER I 1300 I STRI			SCHNIZER, HOLLY G		
WASHING	TON, DC	20005		ART UNIT	PAPER NUMBER
				1653 DATE MAILED: 03/27/2002	6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Gen664,326 HABERMANN ET AL.		Remov _					
## Defice Action Summary ## Familiar ## Holly Schnizer ## Holly Bchnizer ## Holly Schnizer ## Holly Bchnizer ## Holly Bc		Application No.	Applicant(s)				
Holly Schnizer 1653		09/664,326	HABERMANN ET AL.				
The MALING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions for the may be available used the sprovisions of 3 CFR 1.158(a). In no event, however, may a reply be timely field If the period for epity specified above is less term interly (30) along, a reply within the statutory reminum of thing (30) depty with be considered timely. If the period for epity specified above is less term interly (30) along, a reply within the statutory reminum of thing (30) depty with be considered timely. If the period for epity specified above, the marking calls of the communication of the period of the communication. If the period for epity specified above, the marking calls of the communication of the period of the communication of th	Office Action Summary	Examin r	Art Unit				
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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-5, drawn to a hirudin precursor with various signal sequences and method of making the hirudin precursor, classified in class 530, subclass 350.
- II. Claims 6-9, drawn to process for screening suitable signal peptides for secretory expression of a desired protein in E. coli, classified in class 536, subclass 23.1.
- III. Claims 10-14, drawn to a method of making a protein, classified in class 536, subclass 23.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II could be considered to be related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the hirudin precursor of Invention I could be made by recombinant means which is a materially different method than the method of screening of Invention II.

Inventions I and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the

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process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the method of Invention III could be used to make a protein other than the hirudin precursor of Invention I.

Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the methods of Inventions II and III have different starting materials and starting points, method steps, and endpoints.

Having shown that these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and recognized divergent subject matter as defined by MPEP §808.02, the restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Schnizer whose telephone number is (703) 305-3722. The examiner can normally be reached on Mon. & Thurs., 8am-5:30pm and Tues. & Wed. 9-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on (703) 308-2923. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4242 for regular communications and (703) 308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703 308-0196.

Holly Schnizer March 21, 2002

CHRISTOPHER S. F. LOW SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 1600